IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE C.V.RAMULU

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WRIT PETITION NO : 20458 of 1995

Between:

B. Viswa Bharath S/o S. Bhaskaraiah,R/o 46, Vaikuntapuram, Tirupathi.

..... PETITIONER

AND

1 The Employment Officer, District Employment Exchange,
Chittoor District, Chittoor.
2 The Executive Officer, Tirumala Tirupathi Devasthanams
Tirupathi, Chittoor District.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue a Writ, Order or direction, particularly in the nature of Writ of Mandamus, declaring the action of the first respondent in not sponsoring the petitioner's name for Selection to the post of Telephone Operator Grade II in TTD Service as arbitrary, discriminatory, unjust and violative of Articles 14 and 16 of the Constitution of India and consequently direct the second respondent to consider the petitioner for selection to the post of Telephone Operator Grade II in TTD Service without insisting his name being sponsored by the first respondent.

Counsel for the Petitioner: MR.V.JAGAPATHI

Counsel for the Respondent Nos.1 & 2: GP FOR EMPLOYMENT & TRAINING

The Court made the following :

ORDER:

This writ petition has been filed seeking a writ of Mandamus declaring the action of the 1st respondent in not sponsoring the petitioner's name for selection to the post of Telephone Operator, Grade II in TTD Service as arbitrary and illegal.

2. This Court granted interim direction dated 12th September, 1995 as follows:

> "There shall be an interim direction to the 1st respondent to sponsor the name of the petitioner in BC 'A' category for consideration for appointment to the post of Telephone Operator, Grade-II under 2nd respondent provided the channels in BC 'A' category are sponsored. On such sponsoring the 2nd respondent shall interview the petitioner along with other candidates scheduled to take place on 15-09-1995 or any other date pending further orders."

3. Further, in WPMP No. 26192 of 1995 this court by its order dated 21-9-1995, directed the respondents to keep one post of telephone operator Grade II un-filled, provided no appointment orders have been issued.

4. It seems that the second respondent notified (7) posts of telephone operators Grade II by his letter dated 21-4-1995. In the said notification, there were no posts allocated to the category of BC 'A'. It is the case of the petitioner that though he is fully qualified and eligible and registered his name with the first respondent-employment exchange, his name was not sponsored for the said post.

5. A detailed counter affidavit has been filed stating that though the petitioner obtained an interim order from this Court on 12-9-95, the case of the petitioner was not sponsored by the employment exchange up to 25-9-95. In the mean while, the

entire process of recruitment was completed on 15-9-95. Further, it is also asserted that in the said notification for the posts of telephone operators there was no vacancy earmarked for BC 'A' category.

6. Now, the learned counsel for the petitioner contends that one post under the category of BC 'C' was kept vacant as per the counter filed by the respondents and therefore even if the name of the petitioner was not sponsored before the process could be finalized, at this stage also, his name could be considered in the light of the interim directions issued by this Court. I am afraid, I cannot agree with the submission of the learned counsel for the petitioner. Admittedly, the petitioner's name was not sponsored before the completion of the process of interviews. Therefore, it cannot be said that the petitioner has accrued any right for being considered along with others for the post of Telephone Operator. Further, it is asserted in the counter that the interim direction of this Court was only to consider the case of the petitioner for the post specifically under the category of BC ' A'. It is positively asserted in the counter that no vacancy under the category of BC 'A' was notified or earmarked in that particular recruitment. Therefore, the petitioner has not accrued any right and he is not entitled for consideration of his case. The writ petition is devoid of merits and is liable to be dismissed. Accordingly, it is dismissed. No costs.

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(C.V.RAMULU,J)

Date: 10-12-2004

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To

1 The Employment Officer, District Employment Exchange,
Chittoor District, Chittoor.
2 The Executive Officer, Tirumala Tirupathi Devasthanams

Tirupathi, Chittoor District.

3 Two CCs to GP for Employment and Training, High Corut buildings, Hyderabad (OUT

4 Two CD copies.